

THE GEORGE WASHINGTON UNIVERSITY  
Washington, DC

MINUTES OF THE REGULAR MEETING OF THE  
FACULTY SENATE HELD ON APRIL 11, 1997,  
IN THE ELLIOTT ROOM, UNIVERSITY CLUB  
MARVIN CENTER

The last meeting of the 1996-97 Session was called to order by President Trachtenberg at 2:15 p.m.

Present: President Trachtenberg, Vice President Lehman, Registrar Selinsky, Parliamentarian Keller; Deans Caress, Fowler, Futrell, Keimowitz, and Mazzuchi; Professors Boswell, Brewer, Captain, Cawley, Elgart, Griffith, Gupta, Harrauld, Harrington, Johnston, Kahn, Pelzman, Robinson, Seale, Silber, Slaby, Smith, Solomon, Vontress, Wirtz, Yezer, and Youens

Absent: Deans Friedenthal and Harding; Professors Agnew, Castleberry, Ludlow, and Peroni

A brief recess was called in order for a group photograph to be taken of the Faculty Senate for the 1996-97 Session.

APPROVAL OF THE MINUTES

The minutes of the regular meeting of March 14, 1997, were approved as previously distributed.

RESOLUTIONS

I. RESOLUTION 96/10, "A RESOLUTION COMMENDING THE WOMEN'S BASKETBALL TEAM"

On behalf of the Committee on Athletics and Recreation, Professor Silber, Chair, moved the adoption of Resolution 96/10, and the motion was seconded. The question was called, and Resolution 96/10 was adopted unanimously. (Resolution 96/10 is attached.)

II. RESOLUTION 96/11, "A RESOLUTION OPPOSING SELECTIVE REDUCTIONS IN SALARY OF TENURED FACULTY"

On behalf of the Ad Hoc Committee on Tenure and Salary, Professor Kahn outlined the history of the Resolution which involved the reduction in salary of three tenured faculty members (Ph.D's.) in the Radiology Department of the Medical Center. While they work in a clinical department largely staffed by M.D's, these faculty do not have a membership in or direct financial relationship with the Medical Faculty Associates which relates the variable salaries of the participants to clinical

income. The three tenured faculty learned by letters from the Interim Vice President for Academic Affairs that measures were underway to reduce their salaries by 5% to 10% for FY 1996. The rationale for these reductions was a new structure that would offer incentives for faculty to increase their performance through the award of increments, or in appropriate cases reductions in compensation. The guidance given to department chairs was that these decreases should not be spread uniformly, but should be based in accordance with merit. The amount of money associated with these pay cuts in terms of the budget of the Medical Center or in the department involved were negligible.

Professor Kahn said that the Executive Committee regarded this proposed decrease in salary for tenured members of the faculty with great gravity, and it appointed an Ad Hoc Committee to study this matter. The Committee's conclusion was that it has been the consistent understanding and practice at both The George Washington University and in the American academic community that faculty tenure includes protection from salary reduction of tenured individuals without due process consistent with the requirements for discipline under the Faculty Code. Professor Kahn then moved the adoption of Resolution 96/11, and the motion was seconded. He then yielded the floor to Professor David Robinson, a member of the Ad Hoc Committee.

Professor Robinson said that he thought this matter was one of the most important issues to confront the faculty of the University in his 32 years as a faculty member of the Law School. He said that tenure is part of the faculty's contract, and the Faculty Code is part of the faculty's contract. Tenure protects academic freedom from internal pressures, as well as external pressures of all kinds, and it also affects the kind of people we can attract to the University and retain at the University. He said that the encroachments on tenure are bewildering because he thought that they are not in the best interests of the University. The administration has been candid in its reservation with respect to tenure, because it has expressed its view that the tenure system is dysfunctional and that the University would be better managed if the administration had the power to run the University more effectively. This problem, he noted, has come up in two different contexts in recent years. Several years ago, a proposal for systematic post-tenure review was suggested, largely rationalized on the basis of changes in the Age Discrimination and Employment Act. This Act made it impossible to routinely sever faculty at a given age from the University. The horror that was portrayed was of "senile faculty continuing to totter to class with their yellowing notes and creaky views." Statistically, he said, that nightmare has not been fulfilled in higher education. The Faculty Senate stood firm in its opposition to post-tenure review, and the administration was willing to accommodate that view.

Professor Robinson said that now selective salary reduction is the second root challenge to the system of tenured faculty. The administration is publicly taking the position that tenure does not prevent an administrative reduction in salary, even selectively applied, to individuals, as opposed to an across-the-board reduction. We could have professors without compensation and, perhaps without teaching duties too, and they would be tenured professors in name only. The rationale now, of course, is that there has been a decline in clinical income at the Medical Center, yet the reductions thus far announced have been trivial -- they truly do not have any measurable effect upon the fiscal posture of the University. Professor Robinson said that his concern, in addition to the plight of the three tenured faculty members thus far involved, is that as a matter of contract law, general terms in a contract tend to be filled in by custom. If this custom is accepted within the University, he said, then the University may reduce anybody's salary, tenured or not, and that that would destroy the tenure system in this University. Targeted salary reductions pose the highest risk to academic freedom, because this permits individuals to be punished for their political or professional views, or because they are not liked or are not in favor with the chair of a department, for example. Professor Robinson expressed his hope that the Senate would act to protect the institution of tenure that is the heart of the joint faculty-University agreement by approving Resolution 96/11, which addresses selective peremptory salary reductions.

Professor Solomon asked Professor Kahn to identify the section of the Code that is referred to in the first WHEREAS clause of the Resolution regarding "requirements for discipline under the Faculty Code." Professor Kahn cited Section E. Procedures for the Dismissal of a Faculty Member for Adequate Cause, p. 30, in the Faculty Code. Professor Silber asked Professor Griffith if he knew whether or not at the time the procedures relating to tenure were written into the Code there was an implicit obligation not to reduce financial considerations without due process. Professor Griffith noted that the Code was written long before he was a Senate member, but he thought there are two issues that are relevant. One is the question of whether or not the Code in its present formulation provides protection for salary, and he said he thought that the argument made by Professor Kahn and Professor Robinson that by implication it does, seemed to him to be a reasonable inference from the language of the Code. Secondly, Professor Griffith said that, under the present language which provides for standing to grieve, salary is not a grievable matter, and that this is one of the difficulties in this situation with the individuals involved. They could try to make a case that reduction in salary has been arbitrary and capricious, but just as it stands, it is not a grievable matter. Professor Cawley asked the

President if he would summarize the administration's position on this issue.

President Trachtenberg noted that he has been speaking and writing on the subject of tenure for much of his career. He said he believes that tenure may have outlived its usefulness in the form in which it is presently constituted, and that attacks on tenure are going to come, not at private universities like GW, but from governors or state legislators who are at some distance from the institutions. And when those attacks come, the people who will be defending tenure will be the presidents of the institutions. He said that any attacks from the outside on the institution or on how we determine we are going to govern ourselves is something he would take very seriously, personally and professionally. The President noted that the issue before the Senate comes from the Medical Center, and not from what he conventionally thinks of as the non-Medical half of the University. He thought it was important to understand that Medical Centers all over the country are reinventing the way they conduct their affairs because they are under tremendous economic pressures. He thought that it might be that the Medical Center, the Medical School, and the School of Public Health and Health Services may have to be taken out from under the jurisdiction of the Faculty Senate, but he did not think that that would be a good for the University, and to the extent that he has the capacity to influence events, he has consistently searched for ways to keep them in concurrence with the Faculty Code. To its credit, he said, the Senate has for some years turned a blind eye to a variety of activities at the Medical Center which have not been in strict accordance with the Faculty Code, so that there has been an accommodation on all sides. This issue is one of those which challenges some conventional notions of tenure, but what the Senate has to understand, he thought, is that the sources of income to the Medical Center are very different from the sources of income to the rest of the University, and their capacity to manage themselves may call for some different rules. The President said that whether the Senate approves this Resolution or not, it can rely on him to do a lot of research as to how we ought to proceed in the future.

Professor Solomon said he would like to focus on the question of due process. It seemed to him there are two types of due process -- one is due process for de-tenuring and another is due process procedural protection that would only involve notice to the affected faculty member and an ability to respond to the notice, with no hearing. He asked President Trachtenberg what the administration's view is on the proper procedural protection. The President replied that the language of the Code on page 30 obviously contemplated that the outcome of this process would be to dismiss someone, but clearly that is not what has transpired, unless one thinks that reducing someone's salary by 5% is



dismissing that person by 5%. He said that he thought some less complex form of due process would be required, and he believed that Interim Vice President Salamon endeavored to meet that standard. If the Senate concluded that she did not meet that standard, then he thought an appropriate question is: "What standard would the Senate have had the administration meet?" Professor Solomon noted that the documents before the Senate purport to be a unilateral action by the Interim Vice President for Academic Affairs. He asked if the three individuals involved were given notice before they received the letters from Interim Vice President Salamon that this action was about to take place and if they were given an opportunity to respond to the notice. The President called upon Dean Keimowitz, who explained that Interim Vice President Salamon was not acting by herself. This was an issue that has troubled the Medical Center for some time. He dealt with Vice President Salamon about this problem. He explained that the issue involves a group of radiation physicists who, at the time they applied for positions in the Hospital, were accomplished Ph.D's and were granted faculty appointments; some of them went through the tenure process and attained tenure. Their payment, however, comes from two sources -- a small portion from educational funds and the major portion from Hospital funds. The Hospital has gone from a 500 bed facility to under a 250 bed facility. Over the last two years (when the Hospital was owned by the University), its administration indicated to the Medical Center administration that it could no longer pay so much for radiation physicists, when by any benchmark it was paying more than the appropriate amount. He said that the physicists involved were aware of this concern, and contributed by answering questions about their teaching loads. However, he noted there was no direct contact with the three physicists involved prior to these letters being sent out.

Professor Griffith said that he thought it was important to focus on what the specific issue of the Resolution was. What we are talking about, he said, are selective reductions which are imposed on specific individuals without any kind of procedural protection for those individuals that eventually leads to the possibility of de facto termination without ever having gone through due process. The President said he did not understand the term "selective" since he assumed the whole class of radiation physicists were reviewed. Professor Griffith said it was his understanding that the Interim Vice President's instructions were that this reduction in salary was to be targeted and that it was not to be distributed across the group. Further, he said that the Ad Hoc Committee found that there were 3 individuals targeted out of the group of 15 radiation physicists.

A discussion followed by Professors Yezer, Griffith, Gupta, Solomon, Kahn, Pelzman, and Vice President Keimowitz.

Professor Solomon stated that he wanted to address the question of the first RESOLVING clause and due process. He said that he thought there needed to be more study as to what the proper due process standard is. He then moved to strike the first RESOLVING clause. The motion failed for lack of a second.

Further discussion followed by Professors Elgart, Seale, Boswell, Griffith, and President Trachtenberg.

The question was called on the original motion. A secret ballot was requested. The vote was taken by secret ballot, and Resolution 96/11 was adopted by a vote of 20-2. (Resolution 96/11 is attached.)

III. RESOLUTION 96/12, "A RESOLUTION TO CIRCUMSCRIBE LEAVES OF ABSENCE TAKEN IN A CONTIGUOUS SEVEN-YEAR PERIOD"

Professor Griffith, Chair, Committee on Appointment, Salary and Promotion Policies, noted that since this Resolution appeared on the agenda he has received a number of communications regarding it, some civil and some not, and that he would yield the floor to Professor Wirtz, Chair of the Subcommittee which drafted the Resolution and report. However, he wished to make the following two points. First, since this Resolution would amend the Faculty Code, and since there has been so much discussion of whether or not the language proposed is appropriate, the ASPP Committee is prepared to have it returned to the Committee to determine if it can arrive at a version everybody has agreed upon without trying to amend it on the floor. Secondly, the ASPP Committee would like to hear some discussion of it by the Senate as to how the language might be improved. Professor Griffith then yielded the floor to Professor Wirtz.

Professor Wirtz, on behalf of the ASPP Subcommittee, moved the introduction of a Substitute Resolution which included some modifications to clarify the ambiguity found in the original Resolution, which was intended to focus only and exclusively on "unpaid leave." Because sabbatical leave is paid leave as opposed to unpaid leave, he said the word "sabbatical" has been deleted in the Substitute Resolution. The only other change, he said, was to insert the word "unpaid" before the word "leave" wherever it appears in the Substitute Resolution. The motion was seconded, and Professor Wirtz distributed copies of the Substitute Resolution to the Senate members. Professor Wirtz noted that it was also his intention to move to recommit the Resolution to Committee at the end of the Senate's discussion for further study. No objections were made to consideration of the Substitute Resolution in place of the original Resolution 96/12.

Professor Johnston noted that, since the ASPP Committee has

already indicated that it wanted to reconsider this matter, he did not think it was necessary for the Senate to consider the Resolution today.

Professor Pelzman moved to table the substitute Resolution, and the motion was seconded. The question was called on the motion to table the substitute Resolution, and the motion carried. (Substitute Resolution 96/12, as tabled, is attached.)

IV. RESOLUTION 96/13, "A RESOLUTION ON THE ESTABLISHMENT OF A SCHOOL OF PUBLIC HEALTH AND HEALTH SERVICES"

On behalf of the Ad Hoc Committee, Professor Harrington noted that the Committee had met with the Executive Committee, the three deans involved in the Medical Center, and Professor Riegelman, Dean-designate of the School of Public Health and Health Services. He stated that the Committee's principal concern has always been to preserve the position of faculty with respect to the Faculty Code and other aspects of faculty contracts. As noted earlier by the President, the Senate has turned a blind eye to a number of aspects in the way that the Medical School is operated compared to the rest of the University, and he said that that is not in anyone's interest, including the Medical Center. Professor Harrington said that the Committee focused on how the new school will operate with respect to the faculty who are members of that school and how they will be protected in terms of the tenuring process. The Committee wanted to know in what way the faculty members of this school will be in every sense the same as faculty members of the other schools of the University. Professor Harrington noted that there were still some very small items in the establishment of this school that the deans and administrators in the Medical Center did not see eye-to-eye on with the Committee, but he thought an agreement on those items was close.

Professor Lilien Robinson, a member of the Ad Hoc Committee, pointed out that the objective of the Committee was really twofold. First, that the new school meet the requirements of its professional accreditation organization. She said that the Committee spent a great deal of time discussing this and trying to accommodate those requirements. Secondly, they wanted to assure that the new school would really be equal to the other schools of the University, and that safeguards about issues of governance, personnel recommendations, and personnel committees would be in place to protect the faculty, as well as the University.

Professor Riegelman, Dean-designate of the School of Public Health and Health Services (SPHHS), pointed out the distinction between the Resolution and the accompanying report. In addressing the Resolution, he explained that in addition to meeting the requirements of the accrediting body for Schools of Public Health,

the administration also tried to insure that the new school conforms to the pertinent requirements of the Faculty Code. Two specific issues were raised. One issue was that of curriculum and personnel committees. The SPHHS Organization Plan was proposed and unanimously approved by the Medical Center Faculty Senate and it included provisions for both a curriculum committee at the new schools, as well as a personnel committee. The personnel committee has a school-based committee and a Medical Center-based committee. It did not specifically deal with the requirement for initiation of APT decisions at the Departmental level, but that provision can be added, he said. The second issue was that of separate representation of SPHHS on the Faculty Senate. He said that through the framework of the Medical Center Faculty Senate one of the three Medical Center representatives will be allocated specifically for the new school. Professor Riegelman said that there are a number of unresolved Faculty Senate co-issues that needed to be resolved and he looked forward to working with the Faculty Senate to see them resolved.

Professor Boswell expressed his thanks on behalf of his colleagues to Professor Riegelman for his time and effort in working with the Senate and he assured him that the Senate would continue to work with him.

In response to the President's inquiry about the purpose of this Resolution, Professor Griffith, a member of the Ad Hoc Committee, explained that the reason this Resolution was brought to the Senate is to enable the Senate to carry through on its consultative role in the formation of a new school, and to ask for the Senate's confirmation of the Ad Hoc Committee's specification of what is required to establish an independent school.

The question was called, and Resolution 96/13 was adopted. (Resolution 96/13 is attached.)

V. RESOLUTION 96/14, "A RESOLUTION ON 'SCHOOLS WITHIN SCHOOLS'"

On behalf of the Executive Committee, Professor Boswell, Chair, moved the adoption of Resolution 96/14, and the motion was seconded. Professor Boswell noted that this matter was extensively debated last year. We have two schools that are classified as "schools within schools," which means that they are, in fact, departments. One is the Graduate School of Political Management and the other is the School of Media & Public Affairs. When this issue was raised last year by the Senate, then Interim Vice President Salamon listed the criteria that must be met by an institution within this University to be called a school, and clearly neither of these two schools met that criteria. The Executive Committee understands that schools within schools are not unique to this University and that it does not ascribe any malice



in motivation to the establishment of these two schools. After extensive negotiations this fall, the Executive Committee proposed two remedies in its Resolution before the Senate. One remedy calls for the "schools within schools" to be redesignated as divisions within a School or, in consultation with the Faculty Senate, for them to be organized into independent schools with all appropriate rights and responsibilities. The other remedy requests that in the future the term "schools within schools" not be used again.

President Trachtenberg commented that, as Professor Boswell stated, the administration did look at other universities, the market-basket schools, and found that there were such units and it seemed to make sense to do this. However, with all due respect to the Resolution, particularly the first part, he thought that by going back now and saying to the students and to the faculty of these units that they can no longer call themselves a "school," was provocative and not becoming to the character of the Senate which is generally humane and generous in its treatment of its colleagues. Insofar as the second part was concerned, the President thought that that seemed to him a different matter altogether.

Professor Pelzman said that he agreed with the President that the remedy in the First RESOLVING clause was redundant because it was ex post facto. But he thought the real issue was in the Second RESOLVING clause because in the future, if the administration wants to make a unit independent, it needs to have an intermediate mechanism to preserve all the rights of the faculty within that unit according to the Faculty Code. In other words, if the administration wants to try an experiment, then it should come to the Faculty Senate first to get its advice, he said.

Professor Johnston stated that he disagreed with the notion that because this has been done, it should not be undone. To call Media & Public Affairs a "school" is misleading to people. It was done in an improper manner and the Faculty Senate was not consulted about it, so he thought it was important to send a loud message that it should be undone and not done again. The President pointed out that the Deans' Council had approved this designation.

Professor Wirtz stated that it seemed to him there was an element of "truth in advertising" here. If Media & Public Affairs is not in fact a school, then it should not be called a "school," and for the Faculty Senate to endorse that principle would be irresponsible in the extreme. The fact that somebody made a mistake in calling the unit a "school" does not excuse the initial action, nor does it in his opinion provide any grounds for continuing what is a deceptive practice. The President stressed that this was not something that was being done uniquely at GW.

Further discussion followed by Professors Harrington,

Griffith, Yezer, Boswell, Pelzman, Johnston, and President Trachtenberg.

Professor Pelzman moved to amend the Resolution by striking the First RESOLVING clause, and the motion was seconded. Professor Kahn spoke against the amendment. He said that the name of Media & Public Affairs has been in effect for a short period of time and that changing the name would not deprive the students of their title because we are not talking about something of immemorial custom here. Last year the Senate discussed the new title change before the action took place, and it indicated at that time that in accordance with provisions for the faculty role in University decision-making, the Faculty Senate is entitled to an opportunity to make recommendations on proposals concerning creation, consolidation, or elimination of schools. Therefore this is not an ex post facto issue. Even though the Faculty Senate was somewhat slow in bringing a resolution to the Senate to rectify that error, it is now making its recommendations to the administration about what should be done. The President pointed out that the Resolution involves two schools. The Graduate School of Political Management has existed for 10 years and he thought it would be difficult to change that name after a decade, whereas the School of Media & Public Affairs is only in its second year. Professor Boswell emphasized that the First RESOLVING clause is open-ended in that it does not call for a change of name immediately. It just specifies that at some point these units either ought to become schools, or be given some other designations. Professor Yezer spoke in support of the amendment. He said that for many years the National Law Center was recognized as a school and the Columbian College of Arts and Sciences was recognized as a school with no difficulty. He said that we have had no problem in figuring out what a school is and what a school is not.

The question was called on the Pelzman amendment, and the motion was seconded. A secret ballot was requested. The vote was taken by secret ballot, and the amendment failed by a vote of 9-10.

The question was called on the original motion, and Resolution 96/14 was adopted. (Resolution 96/14 is attached.)

#### INTRODUCTION OF RESOLUTIONS

President Trachtenberg introduced a "Resolution of Appreciation" to Professor Boswell, whose term as Chair of the Executive Committee of the Faculty Senate had reached its statutory limit. The President read the Resolution of Appreciation and then presented it to Professor Boswell, who received a standing ovation. Professor Boswell said that he would like to respond to this gracious citation. He said that it has been an honor for him to serve in this position for this year, although it has not always

been fun. Working with people who have the interests of the University at heart has been a highlight of his University career, and he expressed his appreciation for the opportunity the Senate gave him to serve. The Resolution was adopted by acclamation. (Resolution 96/15 is attached.)

# GENERAL BUSINESS

## I. NOMINATION FOR ELECTION OF THE EXECUTIVE COMMITTEE FOR THE 1997-98 SESSION

On behalf of the Nominating Committee, Professor Elgart, Chair, moved the nominations for election of the following professors to serve on the Executive Committee for the 1997-98 Session: Lilien F. Robinson (CSAS) as Chair; Hugh L. Agnew (ESIA), Michael S. Castleberry (GSEHD), Walter K. Kahn (SEAS), Frank J. Slaby (SMHS), Lewis D. Solomon (GWLS), and Philip W. Wirtz (SBPM). No nominations were made from the floor, and the entire slate was elected unanimously.

## II. NOMINATION FOR ELECTION OF FACULTY TO THE DISPUTE RESOLUTION COMMITTEE

On behalf of the Executive Committee, Professor Boswell moved the nominations for election of the following faculty to the Dispute Resolution Committee for three-year terms commencing May 1, 1997: Professors Andrew Altman (GSAS), Valentina Harizanov (CSAS), Mary K. Sidawy (SMHS), Paul M. Swiercz (SBPM), and Mona E. Zaghloul (SEAS). No nominations were made from the floor and the nominees were elected unanimously. Professor Boswell then moved the nomination for election of Professor John A. Spanogle, Jr., as Chair of the Dispute Resolution Committee for a one-year term, and Professor Spanogle was elected unanimously.

## III. NOMINATION FOR APPOINTMENT BY THE PRESIDENT TO ADMINISTRATIVE COMMITTEES

On behalf of the Executive Committee, Professor Boswell moved the following nominations for appointment by the President to Administrative Committees: Judicial System: David W. McAleavey (Chair), Shahram Sarkani, and Neal E. Chalofsky; University Hearing Board: Dennis Albrecht, Prabhira K. Bagchi, Sylvan S. Beck, David J. Goodenough, Carol A. Kochhar, Sylvia A. Marotta, Terrence J. Martin, Edward O'Brien, Debra R. Sheldon, and Richard B. Stott; Marvin Center Program Board: Irving J. Katz; Marvin Center Governing Board: Leslie B. Jacobson, Irving J. Katz, Charles E. O'Rear, and Bradley W. Sabelli; Committee on Student Publications: John M. Artz, W. Douglas Maurer, Judith A. Plotz, Yolanda C. Oertel, Jon A. Quitslund, and Frederick Wolff. The entire slate was approved.

IV. REPORT OF THE EXECUTIVE COMMITTEE

The report of the Executive Committee by Professor Boswell, Chair, is enclosed. Professor Boswell said that he wished to recognize the service of two colleagues who have been invaluable to the Senate. One is Clemmont Vontress, with whom he has served in the School of Education for a long time, who is retiring. And the other is Mervyn Elgart from the School of Medicine who, with the rest of the Dermatology Department, is going into private practice. Professor Boswell said that they will be missed.

President Trachtenberg said that he has enjoyed working with Professor Boswell, and also with Professor Vontress and Professor Elgart.

V. ANNUAL REPORT OF SENATE STANDING COMMITTEES

No Annual Reports were received.

BRIEF STATEMENTS (AND QUESTIONS)

Professor Wirtz said that the ASPP Committee will be interested in the views of the Faculty Senate with regard to the tabled Substitute Resolution on leaves of absence. He added that the Senate would be hearing from him by e-mail and he hoped that the members would provide feedback to him.

Professor Griffith, referring to the two nonconcurrences sustained by the President as reported by Professor Boswell, asked the President if he has adopted specific procedures for handling nonconcurrency cases under the new provision in the Faculty Code. President Trachtenberg responded that he read everything in the file and that he asked for advice from people outside the University.

ADJOURNMENT

Upon motion made and seconded, President Trachtenberg adjourned the meeting at 4:30 p.m.

  
Brian Selinsky  
Secretary



A RESOLUTION COMMENDING THE WOMEN'S BASKETBALL TEAM (96/10)

WHEREAS, excellence in sports has been demonstrated throughout the year by teams of The George Washington University; and

WHEREAS, the Women's Basketball Team in particular has demonstrated accomplishments and merit by becoming the first team from The George Washington University to advance to the final eight competition in the NCAA basketball tournament; NOW, THEREFORE

BE IT RESOLVED BY THE FACULTY SENATE OF THE GEORGE WASHINGTON UNIVERSITY

That the University Senate on behalf of the entire university community is pleased to commend the Women's Basketball Team by adopting the following proclamation:

The George Washington University Senate recognizes that excellence in sports is being achieved. The Senate congratulates and commends the University's Women's Basketball Team for their outstanding accomplishment in advancing to the elite eight of the NCAA basketball tournament. It extends its heartiest congratulations to every member of the team, coach Joe McKeown, and his staff, for their fine play and record during the 1996-97 school year.

Committee on Athletics and Recreation  
March 27, 1997

Adopted April 11, 1997

A RESOLUTION OPPOSING SELECTIVE REDUCTIONS IN SALARY OF TENURED FACULTY (96/11)

WHEREAS, it has been the consistent understanding and practice in the American academic community and at The George Washington University that faculty tenure includes protection from salary reduction of tenured individuals without due process consistent with the requirements for discipline under the Faculty Code; and

WHEREAS, the George Washington Medical Center has recently (FY 1997) disregarded that established understanding and practice by summarily reducing the salaries of selected tenured academic faculty members who are not financial participants in the Medical Faculty Associates Compensation Plan; NOW THEREFORE

BE IT RESOLVED BY THE FACULTY SENATE OF THE GEORGE WASHINGTON UNIVERSITY

1. That the Faculty Senate finds that reductions of the "base" (or equivalent) salary of selected tenured members of the Faculty, accomplished without due process consistent with the requirements for discipline under the Faculty Code, violate established understanding and practice, are inconsistent with the accepted meaning of "tenure," and are, therefore, inconsistent with the contractual rights of the affected tenured faculty members under the Faculty Code; and
2. That the Faculty Senate requests the Administration to rescind any individualized reductions of the salary of tenured faculty accomplished without due process consistent with the requirements of the Faculty Code, retroactively to the date of their imposition and to compensate the affected individuals accordingly.

Ad Hoc Committee  
February 11, 1997

Adopted April 11, 1997

## SUBSTITUTE RESOLUTION

### A RESOLUTION TO CIRCUMSCRIBE LEAVES OF ABSENCE TAKEN IN A CONTIGUOUS SEVEN-YEAR PERIOD (96/12)

- WHEREAS, Article VI.A of the Faculty Code stipulates that "At any time, for study or for any other valid reason, a leave of absence without salary, or a partial leave for family or medically related purposes with reduced salary, may be granted to a member of the faculty by the appropriate corporate officer"; and
- WHEREAS, The Faculty Code is presently silent with regard to circumscription of the total amount of unpaid leave that may be taken consecutively or within any seven-year period; and
- WHEREAS, The President has noted that the absence of such circumscription from our Faculty Code places this University at variance with sister institutions of equivalent stature, and has requested guidance from the Faculty Senate regarding such possible circumscription; and
- WHEREAS, Unpaid leaves of absence exceeding one academic year in any contiguous seven year period disrupt the orderly execution of the faculty's primary responsibilities; NOW, THEREFORE

BE IT RESOLVED BY THE FACULTY SENATE OF THE GEORGE WASHINGTON UNIVERSITY

That Article VI.A of the Faculty Code be amended as follows (language proposed for insertion is underlined):

At any time, for study or for any other valid reason, a leave of absence without salary, or a partial leave for family or medically related purposes with reduced salary, may be granted to a member of the faculty by the appropriate corporate officer. Except for unpaid leaves of absence taken under the Family and Medical Leave Acts, unpaid leaves shall not normally exceed one academic year in any contiguous seven-year period, although under exceptional circumstances two years of unpaid leave may be granted.

Tabled April 11, 1997

A RESOLUTION ON THE ESTABLISHMENT OF A SCHOOL OF PUBLIC HEALTH AND HEALTH SERVICES (96/13)

WHEREAS, the Board of Trustees has approved a planning process leading towards the establishment in July 1997 of a new School of Public Health and Health Services; and

WHEREAS, the Faculty Senate or an appropriate committee thereof of the George Washington University is entitled under the Faculty Code (IX.A) to an opportunity to make recommendations on proposals for creation of any new school; and

WHEREAS, the Faculty Code and the Faculty Organization Plan impose certain requirements and confer certain privileges quite uniformly (with minimal exceptions) on all schools of the University; and

WHEREAS, the Council on Education for Public Health, the accrediting body for Schools of Public Health, also requires that such schools have an administrative structure parallel to other health-professional schools in the same institution; NOW THEREFORE,

BE IT RESOLVED BY THE FACULTY SENATE OF THE GEORGE WASHINGTON UNIVERSITY:

1. That the structure and procedures of the School of Public Health and Health Services (SPHHS) be designed to conform to the pertinent requirements of the Faculty Code in all respects; in particular,

(a) the faculty of the School must establish its own written procedures of governance and its own standing committees on curriculum, personnel, etc., and

(b) all faculty personnel recommendations must originate in departments, must be considered by a school-wide personnel committee of the SPHHS, be concurred in by the dean of the School or, if the dean and/or responsible vice president find compelling reasons to nonconcur, be forwarded to the Executive Committee of the Faculty Senate to resolve the disagreement.

2. That in its relationships to other schools, the SPHHS stand in a status subordinate to none and fully capable of acting coordinately with any; in recognition of this status, upon formal establishment of the SPHHS, the Faculty Senate intends to recommend to the Faculty Assembly modification of the Faculty Organization Plan to provide for appropriate elected representation in the (University) Faculty Senate.

Ad Hoc Committee of the Faculty Senate on the Establishment of the School of Public Health and Health Services (SPHHS)  
March 27, 1997

Adopted April 11, 1997



A RESOLUTION ON "SCHOOLS WITHIN SCHOOLS" (96/14)

WHEREAS, The established structure of this University, as specified in our Faculty Code and Faculty Organization Plan, consists of Schools, most of which are subdivided into departmental units; and

WHEREAS, Under our Faculty Code, the faculty of a School within the University has certain prerogatives and responsibilities inconsistent with being a subordinate unit within another school, such as recommending its own dean, developing its own procedures of governance, establishing an independent school-wide personnel committee, and independence in establishing its own curriculum; and

WHEREAS, Under our Faculty Organization Plan, the faculty of schools of the University are entitled to elect their own representatives to the Faculty Senate, and to cooperate with other schools on an equal basis; and

WHEREAS, Two recently established units lack the independent status provided for above (and typical of most schools within universities in this country); and

WHEREAS, Labelling as a "School" educational units that do not meet the well-established criteria of a School is misleading to faculty, students, and the public at large, NOW, THEREFORE

BE IT RESOLVED BY THE FACULTY SENATE OF THE GEORGE WASHINGTON UNIVERSITY:

That the two units currently designated as 'Schools-within-Schools' be properly re-designated as divisions within a School, or, with consultation with the Faculty Senate, be organized into independent schools with all appropriate rights and responsibilities; and

BE IT FURTHER RESOLVED:

That in the future the designation 'School' be applied only to educational units satisfying the conditions of independence specified in the structure of the University.

Executive Committee of the Faculty Senate  
March 28, 1997

Adopted April 11, 1997

**A RESOLUTION OF APPRECIATION (96/15)**

**WHEREAS, John Gordon Boswell has earned the respect and affection of the University community; and**

**WHEREAS, his term of service on the Executive Committee of the Faculty Senate has reached its statutory limit; NOW, THEREFORE**

**BE IT RESOLVED BY THE FACULTY SENATE OF THE GEORGE WASHINGTON UNIVERSITY**

**THAT the following citation be issued:**

**In recognition of his long time commitment and contributions to The George Washington University as a student earning a B.A., M.A., and Ed.D., and during his 35 years as Assistant, Associate, and Full Professor of Education; and**

**In recognition of his patience, calm and grace in working to resolve the many difficult and complex issues that arise in the academic community; and**

**Especially in recognition for his eight years of dedicated service to the Faculty Senate, including two years as Chair of the Public Ceremonies Committee, two years as Chair of the University Development and Resources Committee, one year as Co-Chair of Appointment, Salary and Promotion Policies Committee, three years on the Executive Committee; and one year as Chair of the Executive Committee:**

**THE FACULTY SENATE**

**OF**

**THE GEORGE WASHINGTON UNIVERSITY**

**CITES**


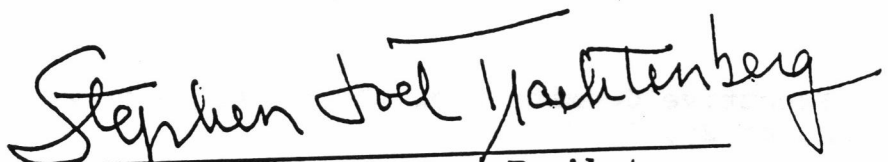
**JOHN GORDON BOSWELL**

**FOR**

**DISTINGUISHED SERVICE**

**April 11, 1997**

**Adopted by acclamation  
April 11, 1997**

A circular seal with a serrated edge. The outer ring contains the text "THE GEORGE WASHINGTON UNIVERSITY" at the top and "FACULTY SENATE" at the bottom. The center features a shield with a book and a quill. A ribbon is draped across the bottom of the seal.  
A handwritten signature in cursive script that reads "Stephen Joel Trachtenberg".  
**Stephen Joel Trachtenberg, President**

REPORT OF THE EXECUTIVE COMMITTEE  
APRIL 11, 1997  
PROFESSOR JOHN G. BOSWELL, CHAIR

1. GRIEVANCE CASES

(a) A grievance from Arts and Sciences has been received by the Executive Committee, which has begun its review and informal discussions with the individuals involved.

(b) The report of Professor Susan R. Jones, Special Mediator, in a grievance from the Medical School has been received by the Executive Committee; the report states that "further efforts at mediation would be futile."

2. NONCONCURRENCES

Two administrative nonconcurrences with departmental recommendations, one in the Graduate School of Education and Human Development, and one in Columbian School of Arts and Sciences, as previously reported, were sustained by the President.

3. MAY SENATE MEETING

Please note that the May Senate meeting marks the beginning of the new Senate Year (1997-1998).

Election of Chairs and members of Senate Standing Committees for the new Session will take place at the May meeting. Also, Annual Reports from the Senate Standing Committees for the 1996-97 Session will be received at that time. Earlier if you have them. Chairs are requested to note any continuing business which would be a matter for next year's Committees. Those Senate members who are not returning as Chairs are asked to pass on their Committee files to the new Chairs.

4. ANNOUNCEMENTS

The Joint Executive Committees of the 1996-97 and 1997-98 Sessions will meet on April 25th to propose nominations for the new Chairs and members of the Senate Standing Committees and to set the agenda for the May 9th Senate meeting.

**THE GEORGE WASHINGTON UNIVERSITY**  
**Washington, DC**

**The Faculty Senate**

**March 31, 1997**

The Faculty Senate will meet on Friday, April 11, 1997, at 2:10 p.m. in the Elliott Room, University Club, 3rd Floor, Marvin Center.

**AGENDA**

- I. Call to order**
- 2. Short recess for the purpose of having a group photograph taken of the 1996-97 Faculty Senate**
- 3. Approval of the minutes of the regular meeting of March 14, 1997, as distributed.**
- 4. Resolutions:**
  - (a) A RESOLUTION COMMENDING THE WOMEN'S BASKETBALL TEAM (96/10); Professor David E. Silber, Chair, Athletics and Recreation Committee (Resolution 96/10 attached)**
  - (b) A RESOLUTION OPPOSING SELECTIVE REDUCTIONS IN SALARY OF TENURED FACULTY (96/11) with accompanying Report; Professor Walter K. Kahn, Ad Hoc Committee (Resolution 96/11 with report attached)**
  - (c) A RESOLUTION TO CIRCUMSCRIBE LEAVES OF ABSENCE TAKEN IN A CONTIGUOUS SEVEN-YEAR PERIOD (96/12) with accompanying Report; Professor William B. Griffith, Chair, Appointment, Salary and Promotion Policies; (Resolution 96/12 with report attached)**
  - (d) A RESOLUTION ON THE ESTABLISHMENT OF A SCHOOL OF PUBLIC HEALTH AND HEALTH SERVICES (96/13) with accompanying Report; Professor Robert J. Harrington, Chair, Ad Hoc Committee (Resolution 96/13 with report attached)**
  - (e) A RESOLUTION ON "SCHOOLS WITHIN SCHOOLS" (96/14): Professor John G. Boswell, Chair, Executive Committee; (Resolution 96/14 attached)**
- 5. Introduction of Resolutions**

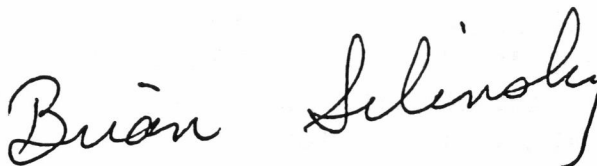


**6. General Business:**

- (a) **Nomination for election of the Executive Committee for the 1997-98 Session: Report of the Nominating Committee**
- (b) **Nomination for election of five faculty members and Chair to the Dispute Resolution Committee (nominations to be made)**
- (c) **Nomination for appointment by the President to the following Administrative Committees: Judicial System: David W. McAleavey (Chair), Shahram Sarkani, and Neal E. Chalofsky; University Hearing Board: Dennis Albrecht,, Prabhira K. Bagchi, Sylvan S. Beck, David J. Goodenough, Carol A. Kochhar, Sylvia A. Marotta, Terrence J. Martin, Edward O'Brien, Debra R. Sheldon, and Richard B. Stott; Marvin Center Program Board: Irving J. Katz; Marvin Center Governing Board: Leslie B. Jacobson, Irving J. Katz, Charles E. O'Rear, and Bradley W. Sabelli; Committee on Student Publications: John M. Artz, W. Douglas Maurer, Judith A. Plotz, Yolanda C. Oertel, Jon A. Quitslund, and Frederick Wolff**
- (d) **Report of the Executive Committee: Professor Boswell, Chair (See attached memorandum dated March 21, 1997, from Vice President Lehman regarding Reappointment Letters for Full-Time Faculty)**
- (e) **Annual Reports of Senate Standing Committees (due by or before May Senate meeting)**

**7. Brief Statements (and Questions)**

**8. Adjournment**



**Brian Selinsky  
Secretary**

A RESOLUTION COMMENDING THE WOMEN'S BASKETBALL TEAM (96/10)

WHEREAS, excellence in sports has been demonstrated throughout the year by teams of The George Washington University; and

WHEREAS, the Women's Basketball Team in particular has demonstrated accomplishments and merit by becoming the first team from The George Washington University to advance to the final eight competition in the NCAA basketball tournament; NOW, THEREFORE

BE IT RESOLVED BY THE FACULTY SENATE OF THE GEORGE WASHINGTON UNIVERSITY

That the University Senate on behalf of the entire university community is pleased to commend the Women's Basketball Team by adopting the following proclamation:

The George Washington University Senate recognizes that excellence in sports is being achieved. The Senate congratulates and commends the University's Women's Basketball Team for their outstanding accomplishment in advancing to the elite eight of the NCAA basketball tournament. It extends its heartiest congratulations to every member of the team, coach Joe McKeown, and his staff, for their fine play and record during the 1996-97 school year.

Committee on Athletics and Recreation  
March 27, 1997

A RESOLUTION OPPOSING SELECTIVE REDUCTIONS IN SALARY OF TENURED FACULTY (96/11)

WHEREAS, it has been the consistent understanding and practice in the American academic community and at The George Washington University that faculty tenure includes protection from salary reduction of tenured individuals without due process consistent with the requirements for discipline under the Faculty Code; and

WHEREAS, the George Washington Medical Center has recently (FY 1997) disregarded that established understanding and practice by summarily reducing the salaries of selected tenured academic faculty members who are not financial participants in the Medical Faculty Associates Compensation Plan; NOW THEREFORE

BE IT RESOLVED BY THE FACULTY SENATE OF THE GEORGE WASHINGTON UNIVERSITY

1. That the Faculty Senate finds that reductions of the "base" (or equivalent) salary of selected tenured members of the Faculty, accomplished without due process consistent with the requirements for discipline under the Faculty Code, violate established understanding and practice, are inconsistent with the accepted meaning of "tenure," and are, therefore, inconsistent with the contractual rights of the affected tenured faculty members under the Faculty Code; and
2. That the Faculty Senate requests the Administration to rescind any individualized reductions of the salary of tenured faculty accomplished without due process consistent with the requirements of the Faculty Code, retroactively to the date of their imposition and to compensate the affected individuals accordingly.

Ad Hoc Committee  
February 11, 1997

**Memorandum to: Professor John G. Boswell, Chair**

**Executive Committee of the Faculty Senate**

**From: *Ad Hoc* Committee to examine the relationship between tenure and salary**

**Professor Walter K. Kahn, Executive Committee** *W. K. Kahn*

**Professor David Robinson, Professional Ethics and Academic Freedom**

**Professor Eugene Abravanel, Appointment Salary and Promotion Policies**

**Date: February 11, 1996**

The members of the Ad Hoc Committee have examined the relationship between tenure and salary in the context of the George Washington University Faculty Code and Faculty Handbook and general practice in the American academic community. The immediate situation giving rise to this examination is a reduction in salary of three tenured professors in the School of Medicine and Health Sciences.

### **Background**

To summarize the situation briefly, the three affected tenured faculty Ph.D.'s are in a department, Radiology, largely staffed by M.D.'s. While they work in a clinical department, these faculty do not have a membership in or direct financial relationship with the Medical Faculty Associates (MFA) Plan, which relates the variable salaries of the participants to clinical income. They are tenured, full professors with the wide range of responsibilities that full faculty status entails. They may have regular teaching responsibilities, research responsibilities, and service responsibilities of regular, full-time Faculty and are evaluated on their performance of all these duties.

In April-May 1996 the three tenured faculty in the medical center, learned by letters from the Interim Vice President for Academic Affairs [1] [2] that measures were underway to reduce their salaries by 5% to 10% for FY 1996. The rationale was a new structure that would offer incentives for faculty to increase their performance [through]



the award of increments, or in appropriate cases reductions in compensation. "The adjustment in salary was based on a review of the fiscal situation of your department/division and our best estimate of the contributions you are making to the maintenance of cost-effective clinical care of high quality, of your contributions to teaching, and --where appropriate -- to funded research." In challenging the salary reductions the faculty members asserted that the assessment of performance by the Chair and administration was arbitrary. They asserted that the desire of the Chair to discipline them entered into their being selected for pay cuts.

### **The Faculty Code and Faculty Handbook Provisions**

Ultimately, the question is whether these cuts in pay traverse rights the affected faculty members. The answer to this question depends on the meaning of their contract with the University as represented in the Faculty Code and Faculty Handbook. In particular, the claims depend on the meaning of "tenure" as the term is used in the Faculty Code, which is a component of the contract between each member of the faculty and the University as provided in Article IV.A.1.a). Unfortunately, while there is substantial discussion of eligibility, standards, and procedures for tenure, the term "tenure" itself is not defined. We believe that the broad understanding of academic freedom, of which tenure is a part, the function that tenure is supposed to serve in a university context, other provisions of the Faculty Code and Faculty Handbook, and University precedent all suggest that tenured, regular faculty members' contractual rights and academic freedom are violated when individual faculty members are singled out for pay cuts. The protection for Academic Freedom that underlies the institution of tenure argues strongly for such an interpretation.

Universities are the principal institutions dedicated to the advancement of knowledge in our culture. Faculty members' teaching and scholarship is the principal vehicle for that advancement and, often, cultural progress results from ideas that are, initially, unpopular. Tenure, as used in the Faculty Code

ensures the financial protection against monetary coercion that is essential for university faculty to advance ideas and conduct academic inquiry without fear of retaliation by supervisors who may prefer other ideas, lines of scholarship or approaches to knowledge. It is designed to insulate faculty members' scholarly judgment or advocacy of ideas, both in the classroom and in scholarship, against outside influences. At times tenure might also protect some faculty members who are considered less productive; its potential to do that has recently brought it under assault. Nonetheless, we think that the idea of tenure includes protection against reductions in a faculty member's salary because, simply, salary cuts (or the threat of salary cuts) may strongly influence what a faculty member will teach or publish and how the faculty institutionalizes these functions. This is precisely contrary to the principles of academic freedom. Moreover this threat would also compromise efforts of the university to attract or retain excellent faculty.

The position of the Medical Center administration relative to these reductions can only be inferred in as much as they declined to meet with the *Ad Hoc* Committee. In view of the memoranda from Interim vice President Salamon, the likely claim is that the affected faculty were singled out because they were less productive. It is impossible to determine, in any definitive way, which was *the* reason for their salary reductions or whether their different discipline had *anything* to do with the cuts. Suffice it to say that a Chair who wanted to clean a department of faculty who did not subscribe to discipline could find "productivity" reasons for doing so. Salary reductions could provide those faculty with an "incentive" to leave.

While it doesn't define "tenure" explicitly to provide protection against salary reductions, Articles of the Code suggest that salary reductions are impermissible encroachments on tenure. The first is Article V.c. Termination of Tenure, and the elaborate provisions governing Procedures for Implementation of the Faculty Code, Article F Procedures for Dismissal of a Faculty Member for Adequate Cause. They are reserved for faculty who are "tenured." These must be the processes to be invoked to reduce salaries because substantial due process is necessary in this context to protect

against disguised attacks on academic freedom. The detail and formality of the proceedings contemplated also attest to the strength of the institution of tenure, as provided in the Faculty Code. If the University wishes to force a faculty member out, these costly and elaborate procedures specified in the Faculty Code must be followed. It would be inconsistent with the institution of tenure at the University if an administrator could cut a faculty member's salary with *no* process whatsoever. Moreover, the nature of the purely administrative discretion created by such an interpretation is virtually unlimited. If we interpret the silence in the Faculty Code about salary reductions as permitting salary cuts for tenured faculty, there resides in that silence no limitations either in the size of the cuts nor in the frequency with which they can be imposed. It does considerable injustice to the detail of other provisions of the Code to believe that unspecified and unlimited salary reductions without any procedures whatever are consistent with the institution of tenure. The word "tenure" in the Faculty Code cannot be reasonably so construed. The Code is silent on salary reductions because all concerned assumed that the institution of tenure precluded them without due process. While the Faculty Handbook does not address salary and tenure broadly, it specifically provides in cases of partial retirement, Section 3 p.13, "...the faculty member's salary and fringe benefits may not be reduced."

Second, the Faculty Handbook has provisions directly concerned with the compensation of faculty members, for example, Article IV, B.2. The Faculty Handbook, Section 3, among other things, limits outside compensation for faculty members. One could, of course, maintain that silence on salary reductions for tenured faculty means that they are permissible without due process. We think such a position is implausible. Given these other provisions, if "Merit Decreases" or "Salary Decrements" were permitted, we think there would have been comparable provisions specifying who had decision making power and under what procedures that power was to be exercised. The institution of tenure was an assumed backdrop for all these provisions. The only sensible interpretation of the Code's silence on salary reductions is that all concerned assumed that the institution of tenure precluded them without the due process procedures found in

the Faculty Code and, therefore, there was no need to otherwise address them within the context of other salary provisions.

Finally, University precedent is consistent in an interpretation of tenure that precludes salary reductions as part of the merit pay process. We can safely assume that faculty perceived by their evaluators to be less productive have existed in all University schools. Yet so far as we are aware, no faculty member in the University has had his or her salary cut for lower productivity. Certainly, no information as to a grievance arising out of such a cut has reached this Committee in its own institutional memory. We believe that this unbroken practice strongly supports the proposition that tenure includes protection against salary reductions, absent due process procedures.

#### **The Medical School Context and Medical Faculty Associates (MFA) Plan Funding**

Given the University-wide importance of the connection of tenure and compensation, the discussion to this point has been largely general, not taking account of circumstances peculiar to the Medical Center.. At the Medical Center, the situation could be more complicated because of a mix of faculties holding M. D., Ph. D. or both degrees, academic and clinical functions, more numerous sources of funding for faculty salaries and potentially more complex methods for administering that funding. It might be argued that such factors create a totally special set of circumstances for faculty. Yet all University Schools have multiple funding sources. Each has (at least) University funds, grants, and alumni giving.

While the details of the MFA Plan itself and how it is administered throughout the Medical School are, no doubt, interesting and complicated, it is unnecessary to examine that complexity for present purposes. It was clear that the process of allocating individual salaries to funding sources ( University funds, grants, patient care) is a completely informal, largely discretionary one. It simply represents the Chair's way of thinking about the Departmental budget and work allocation among faculty. The discretionary



6

allocation of assigned work to MFA Plan funding by the Chair that makes involvement of that funding irrelevant .

The presence of the MFA Plan funding or the mental allocation of funding sources to individual salary lines does not free up the Department to make salary reductions that otherwise are inconsistent with the Faculty Code provisions. There is no direct connection between the MFA Plan revenues, Hospital revenues, and salaries of the affected persons. Salaries of the selected persons were set and remained the same regardless of the success or failure of the Plan for the year in question. Finally in budgetary terms, the dollar proceeds associated with these pay cuts realized by Medical Center are inconsequential.

We thus view the involvement of MFA Plan funding as insufficient to create an exception to the notion of tenure as protection against salary reductions as discussed above. In context MFA Plan funding is no different than is alumni giving or external research support.

Because we believe that the Faculty Code's provisions and the principles of Academic Freedom have been violated by the salary reductions, we recommend adoption of the attached Resolution opposing selective reductions in salary of tenured members of the faculty.

[1] Letter dated April 26, 1996 from Interim Vice President Salamon {edited}.

[2] Letter dated May 30, 1996 from Interim vice President Salamon {edited}.



175TH ANNIVERSARY 1821-1996

VICE PRESIDENT FOR ACADEMIC AFFAIRS

April 26, 1996

This is to inform you of your appointment as Professor of \_\_\_\_\_ for fiscal year 1996-97.

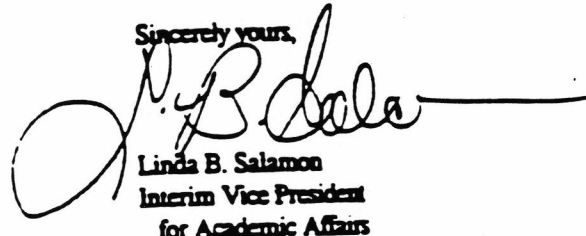
For many years it has been the University's practice to inform continuing faculty members annually at this time not only of their reappointments but of their salaries for the subsequent fiscal year. For reasons which are well known to the whole Medical Center community, assigning salaries for the volatile year that lies ahead is unusually difficult.

Virtually all faculty who are appointed in clinical departments of the School of Medicine and Health Sciences have responsibilities not only to the academic programs of the School but also to the University Hospital, the Medical Faculty Associates, or both. That portion of the resources to support the salaries of faculty in the clinical departments that is drawn from the School's funds is relatively small; it is related to departmental involvement in the educational programs of the entire School. Other resources for clinically-related faculty are drawn from the income of the Hospital, the practice plan, or both. There is some degree of instability in each of these latter sources; income from the Hospital is at particular risk.

The administration of the University and the Medical Center is presently working to devise a structure for all members of the clinical departments that will take into account the relationship between assignments to teaching, to research, to patient care, and to administration and the approximate portion of salary associated with those roles. As is the case for practicing physicians on the faculty, the evolving structure may offer incentives for faculty to increase their performance in each relevant area. The factors governing the award of increments, or in appropriate cases reductions in compensation, will be set forth in as much detail as is practical in the new structure.

The Board of Trustees, the President, Vice President Weingold, and I are committed to authorizing faculty salaries at the Medical Center that are as strong as is consistent with fiscal responsibility for the Medical Center and the University as a whole. I shall write to inform you of your actual salary, within this more explicit salary structure, as soon as possible and no later than May 31, 1996.

Sincerely yours,



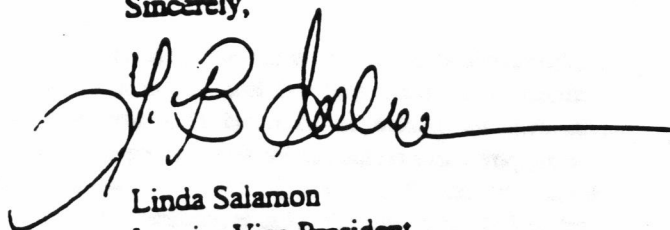
Linda B. Salamon  
Interim Vice President  
for Academic Affairs

May 30, 1996

This is to inform you that your salary as Professor of \_\_\_\_\_ has been established at \$ \_\_\_\_\_ for the fiscal year 1996-1997. This adjustment in salary was based on a review of the fiscal situation of your department/division and our best estimate of the contributions you are making to the maintenance of cost-effective clinical care of high quality, of your contributions in teaching, and--where appropriate--to funded research.

These decisions were made in consultation between the Dean's Office and your departmental Chair.

Sincerely,



Linda Salamon  
Interim Vice President  
for Academic Affairs

A RESOLUTION TO CIRCUMSCRIBE LEAVES OF ABSENCE TAKEN IN A  
CONTIGUOUS SEVEN-YEAR PERIOD (96/12)

WHEREAS, Article VI.A of the Faculty Code stipulates that "At any time, for study or for any other valid reason, a leave of absence without salary, or a partial leave for family or medically related purposes with reduced salary, may be granted to a member of the faculty by the appropriate corporate officer"; and

WHEREAS, The Faculty Code is presently silent with regard to circumscription of the total amount of leave that may be taken consecutively or within any seven-year period; and

WHEREAS, The President has noted that the absence of such circumscription from our Faculty Code places this University at variance with sister institutions of equivalent status, and has requested guidance from the Faculty Senate regarding such circumscription; and

WHEREAS, Leaves of absence exceeding one academic year in any contiguous seven year period disrupt the orderly execution of the faculty's primary responsibilities; NOW  
THEREFORE

BE IT RESOLVED BY THE FACULTY SENATE OF THE GEORGE WASHINGTON  
UNIVERSITY

That Article VI.A of the Faculty Code be amended as follows (language proposed for insertion is underlined):

At any time, for study or for any other valid reason, a leave of absence without salary, or a partial leave for family or medically related purposes with reduced salary, may be granted to a member of the faculty by the appropriate corporate officer. Except for deferred sabbatical leaves of absence and leaves of absence taken under the Family and Medical Leave Acts, leaves shall not normally exceed one academic year in any contiguous seven-year period, although under exceptional circumstances two years of leave may be granted.

Committee on Appointment, Salary and Promotion Policies  
March 28, 1997



FACULTY SENATE  
Committee on Appointment, Salary, and Promotion Policies (ASPP)

SPECIAL REPORT

March 25, 1977

1. This special Report accompanies and is intended to explain some of the background of our proposed A RESOLUTION TO CIRCUMSCRIBE LEAVES OF ABSENCE TAKEN IN A CONTIGUOUS SEVEN-YEAR PERIOD (96/12), submitted for consideration by the Faculty Senate.
2. This issue originally arose to prominence last Fall, when the President and the Vice President for Academic Affairs asked the Executive Committee of the Faculty Senate for advice in dealing with a faculty member's request for a Leave of Absence shortly after just having had a Leave of Absence. The current wording of the Faculty Code provides no circumscription of the amount of Leave of Absence that can be taken.
3. A subcommittee of the ASPP gathered information about the practice of other institutions on this question, and determined that the silence of the GW Faculty Code on the issue of circumscribing the amount of Leave of Absence is at variance with the faculty codes at other institutions. The subcommittee also agreed that circumscription was warranted.
4. After receiving (and deliberating upon) the report of the subcommittee, on March 25, 1977, the ASPP Committee agreed that circumscription of the form provided in the associated Resolution was needed, and voted unanimously to forward the accompanying RESOLUTION TO CIRCUMSCRIBE LEAVES OF ABSENCE TAKEN IN A CONTIGUOUS SEVEN-YEAR PERIOD (96/12) for consideration by the Senate.

A RESOLUTION ON THE ESTABLISHMENT OF A SCHOOL OF PUBLIC HEALTH AND HEALTH SERVICES (96/13)

WHEREAS, the Board of Trustees has approved a planning process leading towards the establishment in July 1997 of a new School of Public Health and Health Services; and

WHEREAS, the Faculty Senate or an appropriate committee thereof of the George Washington University is entitled under the Faculty Code (IX.A) to an opportunity to make recommendations on proposals for creation of any new school; and

WHEREAS, the Faculty Code and the Faculty Organization Plan impose certain requirements and confer certain privileges quite uniformly (with minimal exceptions) on all schools of the University; and

WHEREAS, the Council on Education for Public Health, the accrediting body for Schools of Public Health, also requires that such schools have an administrative structure parallel to other health-professional schools in the same institution; NOW THEREFORE,

BE IT RESOLVED BY THE FACULTY SENATE OF THE GEORGE WASHINGTON UNIVERSITY:

1. That the structure and procedures of the School of Public Health and Health Services (SPHHS) be designed to conform to the pertinent requirements of the Faculty Code in all respects; in particular,

(a) the faculty of the School must establish its own written procedures of governance and its own standing committees on curriculum, personnel, etc., and

(b) all faculty personnel recommendations must originate in departments, must be considered by a school-wide personnel committee of the SPHHS, be concurred in by the dean of the School or, if the dean and/or responsible vice president find compelling reasons to nonconcur, be forwarded to the Executive Committee of the Faculty Senate to resolve the disagreement.

2. That in its relationships to other schools, the SPHHS stand in a status subordinate to none and fully capable of acting coordinately with any; in recognition of this status, upon formal establishment of the SPHHS, the Faculty Senate intends to recommend to the Faculty Assembly modification of the Faculty Organization Plan to provide for appropriate elected representation in the (University) Faculty Senate.

Ad Hoc Committee of the Faculty Senate on the Establishment of the School of Public Health and Health Services (SPHHS)


March 27, 1997

# THE GEORGE WASHINGTON UNIVERSITY

## Faculty Senate

### Memorandum

TO: Professor J. Boswell, Chair, Faculty Senate Executive Committee

FROM: R.J. Harrington,   
Chairman Ad Hoc Committee of the Faculty Senate on the Establishment of the  
School of Public Health and Health Services (SPHHS)

DATE: March 27, 1997

### **Report to the Senate Executive Committee of the Ad Hoc Committee of the Faculty Senate on the Establishment of the SPHHS**

The committee was comprised of Professors W. B. Griffith, (Columbian School of Arts and Sciences), (Chair of the Senate Committee on Appointments, Salary and Promotions Policies), R. J. Harrington, (Chair), (School of Engineering and Applied Science), (Chair of the Senate Committee on Educational Policy), L. F. Robinson, (Columbian School of Arts and Sciences), (Chair of the Senate Committee on Professional Ethics and Academic Freedom) and P. W. Wirtz, (School of Business and Public Management), (Executive Committee of the Faculty Senate).

The committee's deliberations and recommendations relating to the establishment of the SPHHS and to its relationship with other schools are based on those sections of the Faculty Code which are applicable and on a desire to maintain consistency with established practice in all other schools in the University. This desire for consistency extends also to the School of Medicine and Health Sciences (SMHS), which has not always in the past been in consonance with the other schools. The deliberations and recommendations are of course specifically targeted at Faculty issues such as appointment, tenure, promotion, curriculum matters and departmental and school organization. There are no recommendations regarding salaries, although the committee notes that there is an on-going discussion with the administration on this issue.

The committee wishes to express concern with respect to the following issues raised during their lengthy and detailed discussions:

- (a) The Composition of the Appointments, Promotion and Tenure (APT) Committee of the Medical Center. Of the nine members of the Medical Center APT Committee, only two will be from the SPHHS. This would not afford sufficient safeguards for them in the Medical Center environment. This must be addressed. There is no APT Committee at either the departmental or school level (although Professor Riegelman has assured the committee that there will be such a committee established). This would severely restrict the tenure and promotion prospects for those faculty in the SPHHS. This must be addressed.
- (b) The Organization Plan for the Medical Center does not follow the normally accepted pattern in which departmental chairs report to the Dean of the School. Presently chairs report directly to the Vice President for Medical Affairs/Executive Dean. Difficulty also arises in the appointment of a single individual to be VP/Executive Dean, two positions which should have essentially distinct and well defined responsibilities. The relationship between the Deans of the various schools within the Medical Center and the Vice President for Medical Affairs should be clarified and brought into line with that pertaining to the rest of the University. Searches and appointments of Deans should be according to the Faculty Code. It is not clear what responsibilities are conferred by the title of Executive Dean and this may lead to confusion, both from the faculty's and from the administration's point of view.
- (c) The SPHHS should have representation of its own on the Faculty Senate. Although Professor Riegelman has been able to persuade the SMHS to allow one of their three representatives to be elected from the SPHHS, the correct way to have representation for a new school on the Faculty Senate is for the Faculty Assembly to amend the Faculty Organization Plan to include extra member(s) of Senate for them. The committee recommends that the Faculty Senate establish a committee to examine this matter.
- (d) The committee further recommends that the Senate Executive committee establish an Ad Hoc committee or refer to a Senate Standing committee for studying the New APT Criteria for Appointment, Promotion and Tenure of Faculty of the Medical Center as laid out in the memorandum from Professor Deutsch, dated January 23, 1997 with regard to consistency with the Faculty Code.
- (e) Other matters which on the face of it place the whole Medical Center in direct conflict with the Faculty Code and therefore require immediate study and should be referred to either an Ad Hoc committee or a Senate Standing committee are:
  - (i) The proportion of Non-Tenure Accruing to Tenure-Accruing & Tenured Faculty in the SHMS and SPHHS and
  - (ii) The proposed increase in the tenuring period from seven years to ten years.



A RESOLUTION ON "SCHOOLS WITHIN SCHOOLS" (96/14)

WHEREAS, The established structure of this University, as specified in our Faculty Code and Faculty Organization Plan, consists of Schools, most of which are subdivided into departmental units; and

WHEREAS, Under our Faculty Code, the faculty of a School within the University has certain prerogatives and responsibilities inconsistent with being a subordinate unit within another school, such as recommending its own dean, developing its own procedures of governance, establishing an independent school-wide personnel committee, and independence in establishing its own curriculum; and

WHEREAS, Under our Faculty Organization Plan, the faculty of schools of the University are entitled to elect their own representatives to the Faculty Senate, and to cooperate with other schools on an equal basis; and

WHEREAS, Two recently established units lack the independent status provided for above (and typical of most schools within universities in this country); and

WHEREAS, Labelling as a "School" educational units that do not meet the well-established criteria of a School is misleading to faculty, students, and the public at large, NOW, THEREFORE

BE IT RESOLVED BY THE FACULTY SENATE OF THE GEORGE WASHINGTON UNIVERSITY:

That the two units currently designated as 'Schools-within-Schools' be properly re-designated as divisions within a School, or, with consultation with the Faculty Senate, be organized into independent schools with all appropriate rights and responsibilities; and

BE IT FURTHER RESOLVED:

That in the future the designation 'School' be applied only to educational units satisfying the conditions of independence specified in the structure of the University.


Executive Committee of the Faculty Senate  
March 28, 1997



VICE PRESIDENT FOR ACADEMIC AFFAIRS

21 March 1997

TO: John Boswell, Chair  
Executive Committee, Faculty Senate

FR: Donald R. Lehman   
Vice President for Academic Affairs

RE: Reappointment Letters for Full-Time Faculty

John, as you know, now that salaries are determined in the late fall, with an effective date of January 1 of the coming year, it makes no sense for us to send a spring letter to faculty, who do not require notification, telling them that they will receive their salary announcement in the fall. It wastes a lot of paper and the time of the people who must prepare the letters for my signature. Therefore, I am notifying you that, in general, faculty will not receive a letter in late spring as they had in the past, rather, they will receive a letter during the fall term, prior to November 1, that will inform them of their salary commencing January 1 of the following year.

Faculty whose contracts are being renewed will be notified this spring as the reappointment recommendations are forwarded to me and I approve them. In May, those faculty who were up for tenure and promotion, or only promotion, will also be notified. Faculty not being reappointed beyond 1997-98 will be notified by June 30th. Faculty applying for sabbatical or other leave will be notified as the requests are approved.

I send this memo to you with the purpose that you might want to include it as an attachment to the Senate minutes so that all faculty have the opportunity to be informed as to how we are proceeding. I'm sure our faculty will agree with this approach owing to the resources that it saves.